

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT
AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE
RULES. See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24.

FILED BY CLERK

JAN 14 2009

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,

Appellee,

v.

VINCENTE RAYMOND ROSAS,

Appellant.

)
)
) 2 CA-CR 2008-0169
) DEPARTMENT B
)

) MEMORANDUM DECISION

) Not for Publication

) Rule 111, Rules of
) the Supreme Court
)

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20070615

Honorable Hector E. Campoy, Judge

AFFIRMED

Isabel G. Garcia, Pima County Legal Defender
By Alex Heveri

Tucson
Attorneys for Appellant

B R A M M E R, Judge.

¶1 Appellant Vicente Rosas was convicted of two counts of aggravated driving under the influence of an intoxicant (DUI) after an eight-person jury found him guilty of driving while impaired and with an alcohol concentration of .08 or more, both while his

driver's license was suspended or revoked. The trial court found Rosas had one historical prior felony conviction and sentenced him to concurrent, partially mitigated terms of four years' imprisonment.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), avowing she has reviewed the entire record and found no arguable issue to raise on appeal. In compliance with *Clark*, counsel has provided "a detailed factual and procedural history of the case with citations to the record, [so] this court can satisfy itself that counsel has in fact thoroughly reviewed the record." 196 Ariz. 530, ¶32, 2 P.3d at 97. Rosas has not filed a supplemental brief.

¶3 Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety and are satisfied it supports counsel's recitation of the facts. Viewed in the light most favorable to upholding the jury's verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶2, 986 P.2d 914, 914 (App. 1999), the evidence established Rosas had turned his vehicle at an intersection into a lane for oncoming traffic and had traveled in that lane for approximately one hundred feet. A Tucson police officer who had observed this maneuver attempted unsuccessfully to stop Rosas by utilizing his patrol car's lights and siren. He followed Rosas, who continued driving until he reached a residence approximately one-half mile away. After Rosas had stepped out of his vehicle, the officer observed that his eyes were watery and bloodshot, his speech was slurred, and his breath smelled strongly of

alcohol. Rosas's alcohol concentration was measured at .133 and .141 in breath tests administered within two hours after he had stopped the vehicle. At trial, the Motor Vehicle Division's custodian of records testified that Rosas's driver's license was both suspended and revoked at the time of his arrest and that he had been notified of those actions as required by law.

¶4 Substantial evidence thus supported findings of all the elements necessary for Rosas's convictions, *see* A.R.S. §§ 28-1381(A)(1), (2); 28-1383(A)(1), and his sentences were within the range authorized by law, A.R.S. § 13-604(A). We find neither fundamental nor reversible error and therefore affirm the convictions and sentences.

J. WILLIAM BRAMMER, JR., Judge

CONCURRING:

PETER J. ECKERSTROM, Presiding Judge

GARYE L. VÁSQUEZ, Judge